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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 UNITED STATES OF AMERICA,) Criminal Case No. 08cr0212-JLS
)
12 Plaintiff,) DECLARATION OF TAMARA D. DeHAAN,
) ESQ., IN SUPPORT OF MOTION TO SET
13 v.) VIDEOTAPED DEPOSITIONS OF MATERIAL
) WITNESSES AND REQUEST FOR
14 BENNY LOPEZ (1),) STATEMENT OF REASONS IN SUPPORT OF
) CUSTODY
15 JUAN JOSE AGUIRRE-CRUZ (2),)
) Hearing Date: June 5, 2008
16 Defendants.) Time: 9:30 a.m.
) Judge: Nita L. Stormes

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18 I, TAMARA D. DeHAAN, ESQ., declare:

19 1. I am an attorney duly licensed to practice law in the State of California. I am admitted to
20 practice before the United States District Court for the Southern District of California. On January 17,
21 2008, I was appointed as the attorney of record to represent VICTOR MANUEL AYON-LIZARRAGA,
22 CARLOS JODIN VILLEGAS-HERNANDEZ, and RAMON SILVA-REYES (hereinafter collectively,
23 "Material Witnesses"), the material witnesses in the above-entitled case.

24 2. I am informed and believe each of the Material Witnesses is a citizen of Mexico, without
25 the legal right to enter into, or remain in, the United States.

26 3. As a material witness attorney, one of my primary responsibilities is to assist in arranging
27 the release of the material witnesses from the custody of the U.S. Marshal and the Department of
28 Homeland Security's Immigration and Customs Enforcement ("I.C.E.") as soon as practicable. To that

1 end, I immediately conducted an interview with the Material Witnesses to explain why they were being
2 detained, and under what conditions they could be released. I informed the Material Witnesses the most
3 expedient way to be released is by having a personal surety post a court approved appearance bond in
4 the sum of \$500.00, constituting ten percent of the required bond amount of \$5,000.00, along with
5 meeting any and all I.C.E. requirements imposed following the posting of the cash bond. I explained to
6 the Material Witnesses the bond requirements and the responsibilities of the surety. Unfortunately, none
7 of the Material Witnesses know anyone who is qualified to act as a surety who is willing or able to post
8 bond for their release from custody.

9 4. During my initial interview with my clients I learned that both of the material witnesses,
10 VICTOR MANUEL AYON-LIZARRAGA and RAMON SILVA-REYES, are married with children.
11 Each man provides the sole financial support for his respective family. VICTOR MANUEL AYON-
12 LIZARRAGA and RAMON SILVA-REYES each have prior deportations and as such, neither man
13 meets the immigration qualifications necessary for release even if a bond were posted on their respective
14 behalves. I learned that CARLOS JODIN VILLEGAS-HERNANDEZ was on parole for a prior felony
15 offense, and that as such, he does not meet the immigration qualifications necessary for release even if a
16 bond were posted on his behalf. All three Material Witnesses have been in custody since January 13,
17 2008.

18 5. I am not aware of any reason in this case why the Material Witnesses' testimony cannot
19 be adequately secured by deposition. Likewise, I have not been informed of any such reasons by either
20 the government, or the defense attorneys.

21 6. The Material Witnesses are more than willing to respond to all questions put to them in a
22 deposition, and to return to the United States should their testimony later be required at trial of either
23 defendant. The fact is, however, there are only a few facts relevant to this case about which the Material
24 Witnesses are competent to testify: i.e. (a) if they were aware of any attempt by the defendants to
25 smuggle an undocumented alien into the United States without presentation, (b) the circumstances
26 surrounding the day the witnesses and the defendants traveled to Jacumba, California. Based on my
27 discussions with my clients, all of the facts relevant to this case in the Material Witnesses' knowledge
28 took place over a very short period of time.

